

[4110-02]

**DEPARTMENT OF HEALTH,  
EDUCATION AND WELFARE**

**Office of Education**

**[45 CFR Part 126]**

**Health Education Assistance Loan  
Program**

AGENCY: Office of Education, HEW.  
ACTION: Notice of decision to develop regulations.

SUMMARY: The Commissioner of Education proposes a regulation to implement the insured loan provisions of The Health Professions Educational Assistance Act of 1976. The regulation governs a Federal program of insured loans to graduate students in health professions schools. The purpose of the program is to increase access to loan funds by eligible health professions students who otherwise might be unable to pursue their education because of limited financial resources.

**FOR FURTHER INFORMATION  
CONTACT:**

David C. Bayer, ROB-3, Room 4642,  
400 Maryland Avenue SW., Washing-  
ton, D.C. 20202, telephone 202-472-  
2765.

Dated: February 16, 1978.

(Catalog of Federal Domestic Assistance No. 13.574.)

**ERNEST L. BOYER,**  
*U.S. Commissioner of Education.*

[FR Doc. 78-7760 Filed 3-22-78; 8:45 am]

[4110-02]

**[45 CFR Part 190]**

**BASIC EDUCATIONAL OPPORTUNITY  
GRANT PROGRAM**

AGENCY: Office of Education, HEW.  
ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Commissioner of Education proposes to amend Part 190 of the regulations for the Basic Educational Opportunity Grant Program established under The Higher Education Act of 1965. The proposed regulations are administrative and technical in nature, and provide for the operation of the program, ensuring a standardized process by which a student's Basic Grant award is calculated and disbursed.

**FOR FURTHER INFORMATION  
CONTACT:**

Bill Moran, ROB-3, Room 4923, 400  
Maryland Avenue SW., Washington,  
D.C. 20202. Telephone 202-245-1744.

Dated: January 27, 1978.

(Catalog of Federal Domestic Assistance No. 13.539 Basic Educational Opportunity Grant Program.)

**ERNEST L. BOYER,**  
*U.S. Commissioner of Education.*

[FR Doc. 78-7759 Filed 3-22-78; 8:45 am]

[6712-01]

**FEDERAL COMMUNICATIONS  
COMMISSION**

**[47 CFR Parts 91, 93]**

[Docket No. 21395; RM-2702; FCC 78-191]

**TAXICAB RADIO SERVICE CHANNELS**

**Permitting Interservice Geographic  
Sharing of Certain 450 MHz Band**

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: This action considers reallocation of four Taxicab Radio Service 450 MHz band frequency pairs for geographic shared operations in the Forest Products Radio Service in the States of Idaho, Montana, Oregon, and Washington. Eight 450-MHz band frequency pairs have already been reallocated for these purposes in a First Report and Order in this proceeding. Comments are requested.

DATES: Comments must be received on or before April 26, 1978 and reply comments must be received on or before May 8, 1978.

ADDRESS: Send Comments to: Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION  
CONTACT:**

Richard Taube, Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau, telephone 202-632-6497.

In the matter of amendment of Parts 91 and 93 of the Commission's rules to permit interservice geographic sharing of certain 450 MHz band Taxicab Radio Service Channels; Docket No. 21395; RM-2702. Further notice of proposed rulemaking (See 42 FR 48899).

Adopted: March 8, 1978.

Released: March 21, 1978.

By the Commission: 1. In a First Report and Order in this proceeding adopted on March 8, 1978, the Commission has finalized certain rule changes which authorize the geographic shared use of eight pairs of Taxicab Radio Service frequencies in the 450-470 MHz band by Forest Products Radio Service licensees in the States of Idaho, Montana, Oregon, and Washington.

2. The Commission had originally proposed that 12 pairs of Taxicab Radio Service frequencies in the 450 MHz band be made available for geographic sharing. However, with the modifications of the proposed changes adopted in our First Report and Order and for the reasons discussed there, it appears to be appropriate to retain four of these frequency pairs exclusively in the Taxicab Radio Service. However, before making a final decision on this matter, the Commission would like to have additional comments directly specifically to this point.

3. Accordingly, comments are requested on whether the frequency pairs 452.050/457.050, 452.150/457.150, 452.300/457.300, and 452.500/457.500 MHz, should be made available in the Forest Products Radio Service at locations more than 40 miles from the centers of Urbanized Areas of 200,000 or more population (1970 Decennial Census) in the States of Washington, Oregon, Idaho, and Montana, or whether they should be retained exclusively in the Taxicab Radio Service.

4. Authority for any proposed amendments is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested parties may file comments on or before April 26, 1978, and reply comments on or before May 8, 1978. Relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decisions, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

5. In accordance with the provisions of Section 1.419 of the Commission's Rules, an original and five copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

**FEDERAL COMMUNICATIONS  
COMMISSION.**

**WILLIAM J. TRICARICO,**  
*Secretary.*

[FR Doc. 78-7766 Filed 3-22-78; 8:45 am]



[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety  
Administration

[49 CFR Part 581]

[Docket No. 73-19; Notice 22]

BUMPER STANDARD

Damageability Requirements

AGENCY: National Highway Traffic  
Safety Administration (NHTSA).

ACTION: Termination of rulemaking  
action.

SUMMARY: The notice terminates a  
rulemaking proposal to permit damage  
to filler panels and stone shields on  
passenger cars that must conform to  
the Part 581 bumper standard on and  
after September 1, 1979. The proposal  
was advanced in response to vehicle  
manufacturer petitions that the pro-  
duction of filler panels and stone  
shields that incur no damage during  
testing would be very expensive and  
not provide consumers with commensurate  
benefits. Analysis of comments  
received and the agency's own test  
data demonstrate that the cost to pro-  
vide "no damage" protection is likely  
to be less than the cost that would be  
incurred to repair or replace filler  
panels or stone shields damaged in  
low-speed collisions.

FOR FURTHER INFORMATION  
CONTACT:

Mr. Nelson Gordy, Office of Auto-  
motive ratings (NHTSA), 400 Sev-  
enth Street SW., Washington, D.C.  
20590, 202-426-1740.

SUPPLEMENTARY INFORMATION: Part 581, Bumper Standard (49 CFR Part 581), establishes requirements for the impact resistance of vehicles in low-speed front and rear collisions. It is effective September 1, 1978, for all components of the vehicle other than certain aspects of the bumper face bar and associated fasteners that directly attach the bumper face bar to the chassis frame. (Phase I). On and after September 1, 1979, it is effective for all components of the vehicle (Phase II). In response to manufacturer petitions to permit damage to filler panels and stone shields (shielding components) the agency allowed unlimited damage to them in the case of vehicles manufactured in the 1-year period beginning September 1, 1978 (41 FR 24056; May 12, 1977). It was reasoned that, in view of the unlimited damage allowed to the bumper face bar itself during the 1-year period, damage to the closely associated shielding components would not significantly degrade the overall damageability performance of the vehicle. The further decision on

damageability levels for shielding components after that 1-year period was reserved.

The NHTSA subsequently proposed allowing limited or, in the alternative, unlimited damage to shielding components after August 1979 (42 FR 51631; September 29, 1977). The agency noted its assumptions that: (1) Bumper face bar damage was quite likely to cause damage to the shielding components because of their location in close proximity to the face bar, and that (2) they would require "expensive redesign to prevent damage in low-speed impacts." Commenters were asked to provide specific data on the incremental cost of providing no damage components, the replacement cost of "no damage" components, the amount of damage that would be expected during tests of components built to the proposed alternatives, and the cost consequences of "no damage" requirements on compliance with fuel efficiency standards.

The view of insurance companies, their trade associations, and the Insurance Institute for Highway Safety was essentially that these shielding components serve no function in protecting the vehicle as does the bumper, but rather are cosmetic features that reduce fuel economy, and increase initial purchase and repair costs unnecessarily. These commenters argued that the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901, et seq.) accord no special treatment to shielding components.

In contrast, the vehicle manufacturers supported the allowance of unlimited damage, with the exception of Ford that recommended the first alternative of allowing three-quarters of an inch deviation as long as manual repositioning of filler panels was permitted after impact testing. These companies generally argued that the type of damage sustained in bumper testing would be perceived as inconsequential by car owners in the real world or would be easily repairable by repositioning of soft filler panel components, and that the cost of retooling and added purchase price could therefore not be justified.

Chrysler implied that the solution in every case would be the addition of more expensive and heavier components. American Motors stated it was unaware of any shielding component material that would meet the "no damage" level, which conflicts with the agency's compliance testing in which 15 of 20 1977 models demonstrated no shielding component damage in Part 581-level impacts. AMC stated its belief that superior pedestrian protection is encouraged by requirements that allow the undercutting of body metal to allow bumper stroke without excessive face bar offset, but no substantiating data were presented. Without explicitly stating

its recommendation, Volkswagen pointed out that unlimited damageability for filler panels would be desirable to allow transition to new 1981 models without extensive redesign of bumpers that are going to be phased out. They said that "Manufacturers unable to comply would be forced to omit filler panels and stone shields." They claim such omission would be detrimental to the consumer because the shielding components protect the vehicle from dirt and thrown-up stones.

Analysis of the comments and data derived from NHTSA compliance testing of 20 vehicles does not make a convincing case for a permanent change in the upcoming "no damage" requirement. The technical problem of controlling damage to the component and the expense of doing so are substantially less than had been projected by the agency. In contrast, the direct consumer outlays for repair or replacement, and the unquantifiable costs in consumer aggravation and accelerated depreciation when shielding components are damaged and remain unrepaired, weigh significantly in favor of a decision to not allow any damage.

The cost of upgrading filler panels to provide "no damage" performance is affected by several significant manufacturer decisions that cannot be readily predicted by the NHTSA. The ideal cost saving solution adopted by some manufacturers is the deletion of these components from their designs. This course of action has the added benefit of reducing vehicle weight for fuel efficiency purposes. Assuming, however, that some bumper designs chosen by manufacturers will lead them to continue the use of shielding components, the agency also analyzed cost data submitted by the manufacturers that estimated the incremental price increase to provide "no damage" shielding components.

In NHTSA experience with 1977-model bumper compliance tests, 15 of the 20 passenger cars tested showed no shielding component damage whatsoever in the standard's low-speed impacts. In the case of Insurance Institute for Highway Safety testing of 32 1977-model passenger cars in car-to-car front-to-rear impacts at 10 mph, 27 of the vehicles sustained no shielding component damage. This demonstrates that much of the engineering to provide "no damage" performance has been completed and is already in place. In the small percentage of vehicles incurring damage to shielding components, repair cost exceeded the price increase that would be necessary to provide "no damage" performance, even using conservative assumptions about the amount of this damage that would actually be restored.

Based on these findings, the agency has decided not to permit unlimited damage. The alternative of permitting



a limited amount of damage (3/4-inch deviation) was equated by most commenters with "no damage" because of the expense of containing damage to predictable limits, and this alternative is, accordingly, also not adopted. Ford suggested a hybrid standard in which a 3/4-inch deviation would be the permissible extent of damage, except for deviation that could be removed through manual repositioning of shielding components after the impact without benefit of tools. The agency considered this approach, but concludes that the criterion for repositioning is unacceptably subjective, and that the provision of superior "no damage" performance is achievable by reasonable means.

Ford suggested that § 581.5(c)(9) be amended to allow release of filler panel joints that are manually restorable. The agency believes this suggestion was associated with Ford's suggestion to permit manual restoration of the filler panel itself, and declines to adopt the fastener exception for the same reasons.

Volkswagen asked that the NHTSA confirm that "end cuffs" attached to the extreme ends of the bumper face bar qualify as components of the bumper face bar. These components are part of the bumper face bar if they conform to its definition, i.e., if "they contact the impact ridge of the pendulum test device."

In response to Volkswagen's suggestion that Phase I should be amended to allow whatever damage levels are permitted shielding components in Phase II, it is noted that the rationale for unlimited damage to these components in Phase I is already contained in the language of § 581.5(c)(8). The shielding components are subsumed under the Phase I damage exception for "components and associated fasteners that directly attach the bumper face bar to the chassis frame." Volkswagen's suggested correction of "August 1" to "August 31" in § 581.5(c)(8) has been made.

In the interests of simplification, Docket No. 74-11 is hereby closed and incorporated by reference into Docket No. 73-19.

The program official and lawyer principally responsible for this document are Nelson Gordy and Tad Herlihy, respectively.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); sec. 102, Pub. L. 92-513, 86 Stat. 947 (15 U.S.C. 1912); delegation of authority at 49 CFR 1.50.)

Issued on March 17, 1978.

JOAN CLAYBROOK,  
Administrator.

[FR Doc. 78-7535 Filed 3-17-78; 2:30 pm]

## [4310-55]

### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

#### [50 CFR Part 17]

### ENDANGERED AND THREATENED WILDLIFE AND PLANTS

#### Proposed Determination of Critical Habitat for the Leatherback Sea Turtle

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Critical Habitat proposal.

SUMMARY: The Service hereby proposes Critical Habitat for the leatherback sea turtle (*Dermochelys coriacea*) in the U.S. Virgin Islands. This proposal would make this area subject to full protection under Section 7 of the Endangered Species Act of 1973 and is being taken to insure the integrity of Sandy Point Beach, an area which contains the largest nesting aggregation of leatherbacks in lands under United States jurisdiction.

DATES: Comments from the public must be received by May 22, 1978. Comments from the Governors of States involved with this action must be received by June 21, 1978.

ADDRESSES: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 1100, 1612 K Street NW., Washington, D.C. 20240.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

#### SUPPLEMENTARY INFORMATION:

##### BACKGROUND

The leatherback sea turtle is a rare and critically endangered reptile throughout the world, and has been officially listed as Endangered since 1970. Much of the hope for the survival and recovery of this species depends upon the maintenance of suitable and undisturbed nesting beaches. The Service recognizes that areas containing such beaches may qualify for recognition as Critical Habitat as referred to in Section 7 of the Act.

During the early summer of 1977, the Service became aware of a newly discovered nesting aggregation of

leatherback sea turtles occurring at the western end of the island of St. Croix, U.S. Virgin Islands. Personnel of the Fish and Wildlife Service, National Marine Fisheries Service, U.S. Coast Guard, and Government of the Virgin Islands conducted observations on St. Croix during the month of June. 76 to 79 leatherback nests were discovered, and evidence of poaching and potential development were noted. Nesting activity was seen to occur on the 0.8 mile long by 0.1 mile wide strip of Sandy Point Beach. This small area constitutes the only known beach under U.S. jurisdiction used extensively for nesting by the Endangered leatherback.

##### EFFECT OF THE RULEMAKING

The effects of this determination are involved primarily with Section 7 of the Act, which states:

"The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical."

An interpretation of the term Critical Habitat was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764-17765). Some of the major points of that interpretation are: (1) Critical Habitat could be the entire habitat of a species, or any portion thereof, if any constituent element is necessary to the normal needs or survival of that species; (2) actions by a Federal agency affecting Critical Habitat of a species would not conform with section 7 if such actions might be expected to result in a reduction in the numbers or distribution of that species of sufficient magnitude to place the species in further jeopardy, or restrict the potential and reasonable recovery of that species; and (3) there may be many kinds of actions which can be carried out within the Critical Habitat of a species which would not be expected to adversely affect that species.

This last point has not been well understood by some persons. There has been widespread and erroneous belief that a Critical Habitat designation is something akin to establishment of a wilderness area or wildlife refuge, and



automatically closes an area to most human uses. Actually, a Critical Habitat designation applies only to Federal agencies, and essentially is an official notification to these agencies that their responsibilities pursuant to section 7 of the act are applicable in a certain area.

A Critical Habitat designation must be based solely on biological factors. There may be questions of whether and how much habitat is critical, in accordance with the above interpretation, or how to best legally delineate this habitat, but any resultant designation must correspond with the best available biological data. It would not be in accordance with the law to involve other motives; for example, to enlarge a Critical Habitat delineation so as to cover additional habitat under section 7 provisions, or to reduce a delineation so that actions in the omitted area would not be subject to evaluation.

There may indeed be legitimate questions of whether, and to what extent, certain kinds of actions would adversely affect listed species. These questions, however, are not relevant to the biological basis of Critical Habitat delineations. Such questions should, and can more conveniently, be dealt with after Critical Habitat has been designated. In this respect, the Service in cooperation with other Federal agencies has drawn up a set of guidelines which, in part, establish a consultation and assistance process for helping to evaluate the possible effects of actions on Critical Habitat. Provisions for Interagency Cooperation were published on January 4, 1978, in the FEDERAL REGISTER (43 FR 870-876) to assist Federal agencies in complying with their responsibilities under section 7 of the Endangered Species act of 1973.

#### PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate as

possible in delineating the Critical Habitat of the leatherback sea turtle. The Director, therefore, desires to obtain the comments and suggestions of the public, other concerned governmental agencies, the scientific community, or any other interested party on these proposed rules.

Final promulgation of Critical Habitat regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C., and may be examined during regular business hours or can be obtained by mail. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this proposed rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species, 202-343-7814.

#### REGULATIONS PROMULGATION

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

#### § 17.95 [Amended]

The Service proposes to amend § 17.95(c) by adding Critical Habitat of the leatherback sea turtle after that of the giant anole as follows:

(c) *Reptiles*. . . .

#### LEATHERBACK SEA TURTLE (*Dermochelys coriacea*)

U.S. Virgin Islands. A strip of land 0.1 mile wide (from mean high tide inland) at

Sandy Point Beach on the western end of the island of St. Croix beginning at the Southwest Cape to the south and running 0.8 mile northwest and then northeast along the shoreline.



Proposed critical habitat for the leatherback sea turtle.

NOTE.—The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: March 8, 1978.

LYNN A. GREENWALT  
Director,  
Fish and Wildlife Service.

[FR Doc. 78-7495 Filed 3-22-78; 8:45 am]